

REMARKS

Applicant has reviewed the Office Action mailed July 3, 2007. Claims 1-42 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Claim Rejection – 35 U.S.C. §102

Claims 1-7, 9, 10, 26, 30, 39, and 41-42 were rejected under 35 U.S.C. §102(e) as being anticipated by Bennett (U.S. Patent No. 6,666,209). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Bennett fails to disclose or teach, “a detection and control device operatively connected to the blower which detects a pressure condition within the gas mask and controls operation of the blower”, as recited in claim 1 of the instant application.

The Examiner cites Col. 5, lines 24-37, of Bennett for disclosing or teaching the above recited element. This section of Bennett states the following:

One configuration of a blower assembly 13 with attached filter banks 22 is shown in FIG. 2. Mounted on top of blower housing 14 is a switch 36 and a group of blower status lights 34. The blower outlet 32 from the blower provides for hose attachment during general use of the respirator or, during calibration, a glow measuring instrument. Operation of the blower unit during both general operation and calibration is facilitated by the switch 36. With general operation, the blower is turned on, for instance, by depressing a button on the switch briefly, after which indicating lights 34 show that the blower is operating within normal limits. To turn the blower off, the switch is actuated again briefly after which the power to the motor is turned off and the indicating lights are no longer activated.

Thus, instead of disclosing a device that controls operation of a blower based upon a detected pressure condition within a gas mask, Bennett discloses an on/off switch. This is not the current invention.

Applicant respectfully requests the withdrawal of the §102(e) rejection of claim 1 and claims 2-7, 9, 10, 26, 30, and 39 which properly depend from claim 1.

Bennett fails to disclose or teach, "a pressure sensor...operatively connected to the blower, wherein the pressure sensor detects an air pressure in the mask and controls an operation of the blower", as recited in claim 41 of the instant application.

The Examiner cites Col. 6, lines 64-66, of Bennett for disclosing or teaching the above recited element. This section of Bennett states the following:

...[c]ould be employed for this purpose. Blower speed, motor torque, or sensor signals from flow sensors, for example, could be used as the basis for a control parameter.

Thus, instead of disclosing a pressure sensor that controls operation of a blower based upon a detected air pressure in the mask, Bennett discloses a trigger response system based upon predetermined control parameters set through a manual calibration cycle process. This is not the current invention.

Applicant respectfully requests the withdrawal of the §102(e) rejection of claim 41.

Bennett fails to disclose or teach, "detection means for detecting a pressure condition in the mask and sending a signal containing pressure condition information to control said blower means", as recited in claim 42 of the instant application.

The Examiner cites Col. 6, lines 64-66, of Bennett for disclosing or teaching the above recited element. This section of Bennett states the following:

...[c]ould be employed for this purpose. Blower speed, motor torque, or sensor signals from flow sensors, for example, could be used as the basis for a control parameter.

Thus, instead of disclosing a detection means that controls operation of a blower based upon signaling a blower means in response to a detected air pressure in the mask, Bennett discloses a trigger response system based upon predetermined control parameters set through a manual calibration cycle process. This is not the current invention.

Applicant respectfully requests the withdrawal of the §102(e) rejection of claim 42.

For all of the above reasons Applicant respectfully requests withdrawal of the §102(e) rejection of claims 1-7, 9, 10, 26, 30, 39, and 41-42. Applicant further requests allowance of these claims and notification to that effect.

Claim Rejection -- 35 U.S.C. §103

Claims 11-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett in view of Mittelstadt (U.S. Appl. Publication No. 2002/0195109). Applicant respectfully traverses this rejection. Applicant respectfully traverses this rejection.

Claims 11-16 all properly depend from an allowable independent claim 1, for all the reasons stated above in response to the §102(e) rejection presented in this Action. Thus, by definition of the rejection itself, Mittelstadt does not cure the defects found in Bennett and explained above, regarding claim 1. Therefore, Applicant respectfully requests the withdrawal of the 103(a) rejection of claims 11-16 based upon their dependency upon an allowable independent claim 1.

Claims 8, 27-29, and 31-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett. Applicant respectfully traverses this rejection. For all of the above reasons given in traversal of the §102(e) rejection, Applicant respectfully requests the withdrawal of the 103(a) rejection of claims 8, 27-29, and 31-37 based upon their dependency upon an allowable independent claim 1.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited. Accordingly, notification to that effect is earnestly requested. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the prosecuting attorney, identified below, at (410) 347-8754 to facilitate prosecution of the application.

Respectfully submitted,

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